

NABOB

National Association of
Black Owned Broadcasters

November 17, 2016

The Honorable Tom Wheeler
Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

Re: MB Docket 13-249, Revitalization of the AM Radio Service

Dear Chairman Wheeler:

The National Association of Black Owned Broadcasters, Inc. ("NABOB") requests the Commission to act now to complete its review of its proposal to eliminate skywave protection for Class A stations, and to order the elimination of that protection.

The Commission has been reviewing the proposal to eliminate skywave protection for Class A stations for several years. In the FNPRM the Commission stated:

We tentatively conclude, therefore, that (1) all Class A stations should be protected, both day and night, to their 0.1 mV/m groundwave contour, from co-channel stations; (2) all Class A stations should continue to be protected to the 0.5 mV/m groundwave contour, both day and night, from first adjacent channel stations; and (3) the critical hours protection of Class A stations should be eliminated completely.¹

NABOB supports that tentative conclusion. In addition, many other commenters also support that conclusion. Several parties, primarily licensees of Class A stations, oppose that conclusion. They offer alleged technical considerations to support their objections. However, several highly regarded technical experts have refuted their objections. Carl T. Jones Corporation and Hatfield & Dawson Consulting Engineers, LLC, in their reply comments, demonstrated that the technical objections to elimination of skywave protection are unfounded.²

¹ *Revitalization of the AM Radio Service*, First Report and Order, Further Notice of Proposed Rule Making, and Notice of Inquiry, MB Docket No. 13-249, 30 FCC Rcd 12145 (2015), ¶ 56.

² Reply Comments of Carl T. Jones Corporation, April 18, 2016, pp. 3-4, Reply Comments of Hatfield & Dawson Consulting Engineers, LLC, filed April 14, 2016, p. 2 .

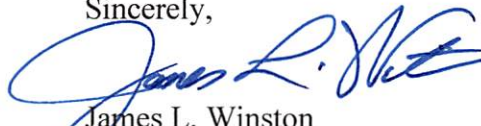
NABOB has supported elimination of skywave protection for many years. NABOB represents the owners of approximately 76 AM stations. None of those AM stations are Class A stations. Almost half, 33, are Class D stations. Class D stations are daytime only stations, and they are limited to daytime only status, because they operate on the same frequencies as the Class A stations. Class A stations are high powered stations with signals that travel hundreds of miles at night because of a unique characteristic of AM radio waves that causes them to bounce off of the ionosphere at night, a phenomenon known as the “skywave” effect.

The Commission’s rules currently obligate Class D stations to go off the air at night to protect the nighttime skywave service of Class A stations for 750 miles. The rationale for this protection was adopted more than 70 years ago, when many communities had no local radio stations. That rationale is no longer applicable in 2016, almost all communities receive local AM and/or FM radio service. The skywave protection rule now blocks many local radio stations from serving their local communities at night in order to allow a signal from up to 750 miles away to come into the community instead. In addition, the skywave protection rule precludes many Class B stations from improving their nighttime service.³ This flies in the face of the Commission’s long recognized statutory obligation to promote localism in broadcasting.⁴

As the Commission has noted in many proceedings over the years, African Americans and other minorities have had limited opportunities to enter the broadcast industry.⁵ When the licenses for Class A radio stations were first given out in the 1920s to 1940s, African Americans were legally prohibited, through segregation laws and blatant discriminatory policies, from full participation in American society. We were only able to enter the industry after those laws and policies were abolished, long after the Class A licenses had been issued. As a result, when African Americans were able to enter the industry, it was often through ownership of less valuable stations, particularly Class D daytime stations.

In this proceeding, the Commission has taken on the much needed task of revitalizing AM radio. Elimination of Class A skywave protection and allowing Class D stations the opportunity to receive some amount of nighttime service, and allowing Class B stations to improve their nighttime service, will be an enormous benefit to the communities served by those stations.

Sincerely,



James L. Winston
President

³ *Id.*

⁴ *Broadcast Localism*, Report on Broadcast Localism and Notice of Proposed Rule Making, MB Docket No. 04-233, 23 FCC Rcd 1324, ¶¶ 5-7.

⁵ *Promoting Diversification of Ownership in the Broadcasting Services*, MB Docket No. 07-294, 23 FCC Rcd 5922, ¶¶ 1-2.

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cc: The Honorable Mignon Clyburn
The Honorable Ajit Pai
The Honorable Jessica Rosenworcel
The Honorable Michael O'Rielly